

**REMARKS/ARGUMENTS**

By this Amendment, Claim 11 is canceled, Claims 8, 9, 10, 14 are amended and Claims 15-16 are added. Claims 1-7 were previously canceled. Claims 8-10 and 12-16 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The examiner notes that the primary citation EP 0844938 (EP'938) does not contain all the features of the presently claimed invention but contends that all missing features can be incorporated by introducing the teachings of US 5584525 (US '525) into EP '938.

Claim 8 has been amended to refer to the thigh portion extending forwardly of the seat, in contrast to EP '938 where the thigh portion extends sideways from the seat. As the examiner will appreciate, this changes the axis of movement of the seat in the event of a collision and provides far superior bracing against any forces reacting against the seat in a forward or rearward collision.

Claim 9 has been amended to refer to the horizontal portion being adapted to bend upwardly away from the seat. By contrast, the purpose of the arrangement in US '525 is taught to be to "provide a seat occupant with a safely accommodating zone" (column 6, lines 53 to 60). This is achieved by resisting deformation of the vehicle body, as opposed to the present invention which is concerned with absorbing energy from a crash and so preventing its transference to the seat.

It is not accepted that an addressee of EP '938 would seek to use the element of US '525 when it is for a purpose entirely at odds with that of the present invention.

Furthermore, the constructional features of the element (122a, 122b) of US '525 render its supposed incorporation into EP '938 to be inapplicable: the unit (122) is suspended horizontally from the seat rather than vertically and moreover the ends of the unit (122) are spaced from the body of the vehicle and not in contact with it, as required by the phrase "for engaging a body of the vehicle" in Claim 8 and Claim 9.

It is not seen how element (122a, 122b) of US '525 can be incorporated into EP '938 to achieve the purpose of the present invention without substantial and inventive modification beyond the remit of the skilled addressee. Nor is it seen how the inclusion of the element from US '525 would result in the present invention, due to the difference in purpose discussed above.

It is respectfully submitted that the clarity issues regarding the phrase "in the event of a vehicle being involved in an accident" have been resolved by the subject amendment.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Application No. 10/562,502  
Amendment Dated October 5, 2007  
Reply to Office Action of June 8, 2007

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

October 5, 2007

Please charge or credit our Account  
No. 03-0075 as necessary to effect  
entry and/or ensure consideration of  
this submission.

By 

Barry A. Stein  
Registration No. 25,257  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants